REMARKS

Applicants respectfully point out that on April 13, 2001, a Preliminary Amendment was filed along with the filing under 35 USC 371 of the present application. In said Preliminary Amendment, Applicants have canceled Claim 43, amended Claims 1, 6, 7, 9, 10, 12-14, 17, 19, 20, 25-29, 31, 39, 40-42 and 44, and added new claims 45-48. In the Office Action of September 2, 2003, The Examiner did not address whether or not the Preliminary Amendment was entered or denied entry. The Examiner appears to have examined the originally filed Claims 1-44 of the present applications. In order to avoid confusion and to facilitate the prosecution of the present application, Applicants have canceled Claims 1-48 and submitted new Claims 49-88. The support for the new claims can be found in the original claims and the specification.

No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested.

Upon entry of this amendment, Claims 49-88 are pending. No additional claim fee is due.

REJECTIONS

Claim Objections

The Examiner objects to Claims 7-14, 20, 28, 31-42 and 44 for the informalities. The Examiner states that these claims, being multiple dependent claims themselves, improperly depend from other multiple dependent claims.

Applicants have canceled claims 1-48; thus, the objections are moot.

Withdraw of the objections are respectfully requested.

Claim Rejection under 35 USC §112

The Examiner rejects claims 1-44 under 35 USC §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that (1) the phrases "preferably" "more preferably" render the claims indefinite; (2) recitation of a use without any active positive steps renders claim 43 indefinite. Consequently, Claim 43 is also rejected under 35 USC 101 as an improper process claim.

Applicants have canceled claims 1-48; thus, the objections are moot.

Withdraw of the rejections are respectfully requested.

Claim Rejection under 35 USC §102 over Trinh et al.

The Examiner rejects claims 1-44 under 35 USC §102(b) as being anticipated by US 6,001,343, to Trinh et al. (hereinafter referred to as "Trinh" or "the '343 patent"). The Examiner states that Trinh teaches a stable, aqueous-based odor-absorbing and wrinkl controlling composition for use on inanimate surfaces such

as fabrics. The composition comprises cyclodextrin and an effective amount of surfactant, antimicrobial active, or mixtures thereof. Th composition also comprises a wrinkle control agent, which is a fiber lubricant, a shape retention polymer, hydrophilic plasticizer, lithium salt, or mixtures thereof. Optionally, the composition also comprises perfume, low molecular weigh polyols, metallic salts, humectants, etc. Specific examples of surfactants and silicones that lubricate fibers are provided by Trinh. Trinh discloses the method of spray application of the composition to the fabric, including the spray dispenser and manual activation means. The Examiner concludes that Trinh discloses all the material limitations of the claims of the present application; therefore, Trinh is anticipatory.

First, Applicants respectfully point out that the priority claims of the present application establishes an effective filing date of October 23, 1998. The cited '343 patent was issued on December 14,1999, which is later than the effective filing date of the present application. Thus, the '343 patent is not a prior art against the present application under 35 USC 102(b). However, though the '343 patent was issued later than the filing date of the present application, the '343 patent was filed (having a filing date of April 27, 1998) earlier that the present application; thus, it is prior art against the present application under 35 USC 102( ). Applicants will respond to the rejection under 35 USC 102(e).

Applicants point out that Claims 1-48 have been canceled by the present amendment; thus, the rejection is moot. Accordingly, Applicants respectfully request withdrawal of this rejection.

Further, Applicants submit that new claims 49-88 are not anticipated by Trihn because Trihn does not disclose a composition and a method of using the same, wherein the composition comprises an oligosaccharide component, along with cyclodextrin, and other optional adjunct ingredients. Thus, new claims 49-88 are patentable over Trihn.

Claim Rejection under 35 USC §102 over Burzio et al.

The Examiner rejects claims 1, 4 and 6-44 under 35 USC §102(b) as being anticipated by US 5,496,494, to Burzio et al. (hereinafter referred to as "Burzio"). The Examiner states that Burzio teaches a process for decreasing the build-up of inorganic incrustations on textile derived from water hardness and due to repeated washing cycles with detergent composition comprises the addition to the washing bath of a non-reducing carbohydrate and/or its derivatives as co-builder. Specific examples of non-reducing carbohydrate derivatives, including sugar alcohols are provided by Burzio. Other optionally ingredients are also disclosed by Burzio, including surfactants, alkali metal salts, neutral salts, zeolite, bleaching agents, bleach activators, etc. Burzio also discloses the amount of co-builder to be used in the washing cycle. The Examiner concludes that Burzio discloses all the material limitations of the claims of the present application, therefore, Burzio is anticipatory.

Applicants point out that Claims 1-48 have been canceled by the present amendment; thus, the rejection is moot. Accordingly, Applicants respectfully r quest withdrawal of this r jection.

Further, Applicants submit that new claims 49-88 are not anticipated by Burzio because Burzio does not disclose a composition and a method of using the same, wherein the composition comprises an oligosaccharide component, cyclodextrin, and other optional adjunct ingredients. Specifically, the combination of oligosaccharide and cyclodextrin. Thus, new claims 49-88 are patentable over Burzio.

Double Patenting Rejection

Claims 1-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-41 of U.S. Patent 6,001,343.

Applicants point out that Claims 1-44 have been canceled; thus the double patenting rejection is moot. However, Applicants have submitted herewith a terminal disclaimer over US Patent 6,001,343, to expedite the prosecution.

CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 49-88 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,
FOR: Barnabas et al.

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